Cache County School District

Policy Series 3000: Students

Policy No. 3300 P1

Bullying, Cyberbullying, Hazing, Retaliation, and Abusive Conduct

Section 1 - Definitions

"Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine:

1. is intended to cause intimidation, humiliation, or unwarranted distress;
2. results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
3. exploits an employee's known physical or psychological disability

a) a single act does not constitute abusive conduct, unless it is an especially severe and egregious act that meets the standard under Subsection (A)(1), (2), or (3).

"Bullying" means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

1. causing physical or emotional harm to the school employee or student;
2. causing damage to the school employee's or student's property;
3. placing the school employee or student in reasonable fear of:
   a) harm to the school employee's or student's physical or emotional wellbeing; or
   b) damage to the school employee's or student's property;
4. creating a hostile, threatening, humiliating, or abusive educational environment due to:
   a) the pervasiveness, persistence, or severity of the actions; or
   b) a power differential between the bully and the victim; or
5. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
6. the conduct described above constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
7. "bullying" includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.

"Cyberbullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

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"Hazing" means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:

1. endangers the mental or physical health or safety of a school employee or student;
    a) involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
    b) involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or
    c) involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and
2. is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for in a school or school sponsored team, organization, program, club, or event; or
3. is directed toward a school employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the individual who commits the act also participates.
4. the conduct described in this definition constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

"Retaliation" means an act of communication intended: as retribution against a person for reporting bullying, cyberbullying, or hazing; or to improperly influence the investigation of, or the response to, a report of bullying or hazing.

Section 2 - Prohibited Conduct

Prohibitions

Bullying, cyberbullying, hazing, and retaliation of students and/or employees by students and/or employees, or abusive conduct of a student or parent directed toward a school employee are prohibited. This includes acts of bullying, cyberbullying, and hazing on school property, at school activities, or off campus if the conduct has a strong nexus to school (*see Policy 9350, Procedure 2: General Investigation Procedure for School Administrators*). School officials have the authority to discipline students for acts of bullying, cyberbullying, hazing, and retaliation. If after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion, pursuant to Utah Code Section 53G-8-205 and, loss of participation in extracurricular activities, and/or probation. If after an investigation, a school employee is found to have engaged in acts of bullying, cyberbullying, hazing, or retaliation, the employee shall be disciplined by appropriate measures up to, and including, termination.

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Examples of Prohibited Conduct

Bullying differs from typical peer to peer conflict in a few distinct ways. Bullying behavior is intentionally aggressive behavior that involves negative or unwanted actions by one or more people directed towards another person. The actions involve a real or perceived imbalance of power between the student or students who bully and the student who is targeted. The actions are repeated or are likely to be repeated over time. The following are examples of bullying. This is not an exhaustive or comprehensive list and is not intended to cover all behavior that may constitute bullying.

1. Physical: Examples include pushing, hitting, kicking, physically intimidating, and taking or damaging another student's materials or items.
2. Verbal: Examples include threatening, name calling, teasing, and making inappropriate gestures.
3. Relational: Spreading rumors, excluding others, making friendship conditional, and staring in an intimidating way.
4. Cyberbullying: Using electronic means such as texting, emailing, social media, and online video to tease, threaten, name-call, spread rumors, gossip, and embarrass others.

False Allegations

False allegations of bullying, cyberbullying, hazing, or retaliation by a school employee or student are prohibited.

Retaliation

Acts of retaliation or retribution by a school employee or student against a person for reporting bullying, cyberbullying, or hazing; or acts to improperly influence the investigation of, or the response to, a report of bullying or hazing are prohibited.

Section 3 - Reporting and Investigation Procedures

Reporting

All students, parents/guardians/families, and school staff have a responsibility to help keep their school safe. (If you see something, say something.) A report of bullying must include the name of the person accused of bullying, a description of the bullying incident or incidents, and an approximate date, time, and location of the bullying.

1. A student target of bullying, cyberbullying, hazing, or retaliation should inform their teacher or any of their school's administrators.
2. A parent/guardian/family, school staff member, or any other individual who is aware of bullying, cyberbullying, hazing, or retaliation at school should inform school administration.
3. A school teacher or administrator to whom a complaint is made or who otherwise becomes aware of an incident of bullying, cyberbullying, hazing, or retaliation shall, as soon as is reasonably possible, report it to the principal or their designee.
4. An employee target of bullying, cyberbullying, hazing, or retaliation should inform their supervisor.

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A complaint does not have to be in writing in order to begin an investigation, but students, parents/guardians/families, and school staff are encouraged to submit written complaints to ensure the school administrator is adequately informed of all details relevant to the complaint. Complaints may also be submitted through the SafeUT application.

School staff members to whom a complaint of bullying, cyberbullying, hazing, or retaliation is made will, as soon as is reasonably possible after receiving the complaint, report it to school administration. An anonymous report of bullying may be filed, but may limit the investigation the administrator can conduct and will not result in formal disciplinary action against anyone. Allegations of past bullying will be investigated to the extent that information and witnesses are still available to investigate. All acts of bullying that constitute criminal activity will be promptly reported to law enforcement. This includes cyberbullying involving the dissemination or solicitation accompanied by threat or blackmail of nude, semi-nude or sexually explicit images of a student.

Investigation

The school administrator to whom a complaint of bullying, cyberbullying, hazing, or retaliation is reported shall promptly investigate the complaint as soon as is reasonably possible after receiving the report. All acts of bullying, cyberbullying, hazing, or retaliation that constitute criminal activity will be promptly reported to law enforcement who will assist with investigation. To the extent permitted by federal and state law, District policies and confidentiality and privacy rights, and to assure the integrity of the investigation and corrective action, the parent(s) or legal guardian(s) of a student perpetrator or target may be involved in the process of responding to and resolving conduct prohibited by this policy.
See Policy 9350, Procedure 2: General Investigation Procedure for School Administrators

Civil Rights Violations

Any bullying, cyberbullying, hazing, or retaliation that is found to be targeted at an individual because of his/her race, color, religion, sex, national origin, disability, sexual orientation, including gender expression or identity, and/or any other classification protected by law is further prohibited under federal antidiscrimination laws and is subject to compliance procedures from the U.S. Department of Education, Office of Civil Rights. If the complaint involves a potential civil rights violation, the school administrator should notify the appropriate district administrator. *See Policy 5200, Procedure 1: Discriminatory Harassment*

Parental/Guardian Notification

Pursuant to Utah Code, each school administrator who finds that an incident of bullying, cyberbullying, harassment, hazing, or retaliation has occurred shall notify the parent(s)/guardian(s) of each student involved. Notification will be made as soon as is reasonably possible, but no later than twenty-four (24) hours from when the report of bullying was made.

The school administrator who notifies parents/guardians/families under this section shall keep an incident report which includes a record verifying that notification was provided to the parents/guardians/families of each student involved. The administrator's record of notification

must include the date and time of notification, manner of notification (phone call, in-person meeting, etc.), and an indication of the type of incident. The incident report may be disclosed to the parents/guardians and/or students involved, but it may not be disclosed to any other person or entity except when required by a valid court order as provided in Utah Code.

Documentation of Support Actions

Administrators must take prompt and effective action steps reasonably calculated to address the bullying, cyberbullying, hazing, or retaliation and to prevent the behavior from recurring. Support actions taken by administrators on behalf of all students involved (both respondents and complainants) should be documented in the incident report.

Section 4 - Discipline Guidelines

Any student who engages in bullying, cyberbullying, hazing, or retaliation, as described herein, is in violation of this policy and shall be subject to disciplinary action. Consequences should be firm, fair, and correspond to the severity of the infraction. A continuum of consequences should be utilized along with implementing positive behavioral interventions and support strategies. Disciplinary action may include, but is not limited to: suspension; expulsion; exclusion from, or loss of participation in extracurricular activities; alternative educational placement; and/or referral to law enforcement authorities for criminal acts. In imposing such discipline, all facts and circumstances of the incident(s) shall be taken into account. Formal disciplinary action may not be based solely on an anonymous report of bullying, cyberbullying, hazing, or retaliation. Disciplinary due process procedures shall be followed as set forth in applicable District policies.

Any employee who engages in bullying, cyberbullying, hazing, or retaliation, as described herein, is in violation of this policy and may be subject to disciplinary action, up to and including employment termination. Consequences should be firm, fair and correspond to the severity of the infraction. Professionally licensed employees shall be referred to the Utah Professional Practices Advisory Commission (UPPAC), along with any and all evidence for investigation and possible disciplinary action against professional licensing. Criminal acts will also result in referral to law enforcement authorities. Disciplinary due process procedures shall be followed as set forth in applicable District policies.

Section 5 - Education, Training, and Annual Accountability Reporting

Dissemination of Policy

This policy shall be posted on the District's website and may also be published in student registration materials, student and employee handbooks, parent/guardian information guides, and other appropriate school publications, as directed by the District. Each school employee, student 8 years or older, and parents must acknowledge through signature receipt of this policy.

Education and Training

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Cache County School District recognizes the importance of educating its employees and students regarding the prevention of bullying, cyberbullying, hazing, and retaliation. To this end, the District will provide ongoing training and education in this area. Every school shall designate an administrator responsible for overseeing the investigation of bullying, cyberbullying, hazing, and retaliation. All administrators will receive annual training on conducting investigations of allegations or incidents of bullying, cyberbullying, hazing, and retaliation. The superintendent shall designate a district administrator responsible for overseeing the training and support of school administrators who serve as bullying investigators.

Notice of this policy will be distributed and annual training will be conducted for employees and students of the District. Training shall provide strategies for employees and students regarding how to recognize and be aware of bullying, cyberbullying, hazing, and retaliation, intervention and social skills, and the implementation of positive behavioral interventions and support strategies.

The training for employees and students shall include information on various types of aggression and bullying, including:

1. overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
2. relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidating, enlisting a friend to assault a child, and social isolation;
3. sexual aggression or acts of a sexual nature or with sexual overtones;
4. cyberbullying, including the use of email, web pages, text messages, instant messages, social media, three-way calling or messaging or any other electronic means for aggression inside or outside of school;
5. how bullying may be a civil rights violation.

Prior to any employee, student, or volunteer coach participating in a District-sponsored athletic program (curricular or extracurricular) or an extracurricular student club or activity, a student, coach, or advisor shall participate in bullying and hazing prevention training. Such training may be in collaboration with the Utah High School Activities Association (UHSAA). Student athletes and extracurricular student club members shall be informed of prohibited activities under Utah law and this policy, and notified of potential consequences for violations. The District shall provide annual training to all new students and employees who are involved with athletic programs and extracurricular student clubs, and shall provide refresher training for all involved students and employees at least once every three years.

Training curriculum outlines, training schedules, and participant lists or signatures shall be maintained by the District or each school, as applicable, and provided to the Utah State Office of Education upon request.

Annual Reporting of Allegations of Bullying, Cyberbullying, Hazing, and Retaliation Cache County School District is required by Utah Code Subsection 53E-3-401 (3) and State Board of

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Education Administrative Rule R277-613 to report the following annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements:

1. a copy of the District's policy required in Section R277-613-4;
2. implementation of the signed statement requirement described in Utah Code Subsection 53G-9-605 (3)(g);
3. verification of the District's training of school employees relating to bullying, cyberbullying, hazing, and retaliation described in Utah Code Section 53G-9-607;
4. incidents of bullying, cyberbullying, hazing, and retaliation;
5. the number of incidents described in Subsection (4) required to be reported separately under federal law, including the reporting requirements in:
    a. Title VI of the Civil Rights Act of 1964;
    b. Title IX of the Education Amendments of 1972; or
    c. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990; and
    d. the number of incidents that include a student who was bullied, cyber-bullied, hazed, or retaliated against based on the student's actual or perceived characteristics, including disability, race, national origin, religion, sex, gender identity, or sexual orientation.

Employee Grievance Process for Incident of Abusive Conduct

A school employee, who has experienced an incident of abusive conduct as defined in this policy, and is not satisfied with initial efforts to resolve the issue, may submit a written grievance with their administrator within thirty (30) calendar days of the incident. The written grievance described above shall include the date of the incident, circumstances of the incident, and the signature of the school employee submitting the grievance to the school administrator.

1. Within five (5) business days of receiving the written grievance the school administrator shall meet with the school employee to discuss the grievance and possible resolutions. Within five (5) business days after meeting with the school employee, the school administrator shall respond in writing to the school employee explaining the administrator's position and offer options for substantive resolution of the complaint.
2. If the response by the school administrator does not satisfactorily resolve the issue the school employee may appeal the school administrator's response in writing within ten (10) business days after receipt of the response to the district administrator supervising elementary schools, or secondary schools, or their designee.
3. Within five (5) business days after receipt of the grievance appeal the district administrator or designee shall meet with the school employee to discuss the grievance and possible resolutions. Within five (5) business days after meeting with the school employee, the district administrator shall respond in writing to the school employee with a final resolution of the grievance which shall be the final administrative action in the matter.

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Legal References:

Synopsis:

Approved by District Administration: